



**ATTACHMENT A**

**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.62 (SIGNS).**

**DOCKET:** G 8-17

**REQUEST:** The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. The amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current sign standards. The extended deadline will provide time for the City of McMinnville to evaluate the amortization program for consistency with the intent of the Signs chapter and to ensure that the amortization process is legally permissible and does not violate any state or federal law or infringe on any property rights.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Chuck Darnell, Associate Planner

**DATE DEEMED COMPLETE:** September 13, 2017

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** October 19, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**HEARINGS BODY:** McMinnville City Council

**DATE & TIME:** November 28, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**COMMENTS:** This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 8-17) to the McMinnville City Council.

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**DECISION: APPROVAL**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

**APPLICATION SUMMARY:**

The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. The amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current sign standards. The extended deadline will provide time for the City of McMinnville to evaluate the amortization program for consistency with the intent of the Signs chapter and to ensure that the amortization process is legally permissible and does not violate any state or federal law or infringe on any property rights.

**ATTACHMENTS:**

1. Amendments to Chapter 17.62 (Signs)

**COMMENTS:**

This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition were received.

**Additional Testimony**

No notice was provided to property owners for this application. As of the date this report was written,

**FINDINGS OF FACT**

1. The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to update provisions related to the deadline of the amortization of certain types of existing nonconforming signs. The amendment will extend the deadline for bringing nonconforming signs that are subject to the amortization process into compliance with current sign standards. The extended deadline will provide time for the City of McMinnville to evaluate the amortization program for consistency with the intent of the Signs chapter and to ensure that the amortization process is legally permissible and does not violate any state or federal law or infringe on any property rights.
2. This matter was referred to the following public agencies for comment: Oregon Department of Land Conservation and Development. No comments in opposition have been provided.
3. Public notification of the public hearing held by the Planning Commission was published in the October 10, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

**CONCLUSIONARY FINDINGS:****McMinnville's Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

- GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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***Attachments:***

Attachment 1 – Amendments to Chapter 17.62 (Signs)

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville's City Code:**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

#### Chapter 17.03 – General Provisions:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the legislative amendment in that the extension of the amortization deadline will provide time for the City of McMinnville to determine whether the amortization process meets the intent of the Signs chapter of the McMinnville Zoning Ordinance, thereby ensuring that the amortization process promotes the general welfare of community members in the city.

17.03.030 Severability. Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, that judgment shall affect only that part held invalid and shall not impair the validity of the remainder of these regulations.

Finding: Section 17.03.020 is satisfied by the legislative amendment in that the extension of the amortization deadline will provide time for the City of McMinnville to complete research and ensure that the requirements of the amortization process have not been deemed invalid by any court of competent jurisdiction.

17.03.040 Interpretation - More restrictive provisions govern. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Finding: Section 17.03.040 is satisfied by the legislative amendment in that the extension of the amortization deadline will provide time for the City of McMinnville to complete research and ensure that the requirements of the amortization process are not in violation of any other regulations, including state statute, federal law, or other private property rights.

CD:sjs

Attachments:

Attachment 1 – Amendments to Chapter 17.62 (Signs)

Chapter 17.62

SIGNS

(as adopted by Ord. 4900, Nov. 5, 2008)

Sections:

- 17.62.010 Purpose
- 17.62.020 Scope
- 17.62.030 Definitions
- 17.62.040 Exempted Signs
- 17.62.050 Prohibited Signs
- 17.62.060 Temporary Signs
- 17.62.070 Permanent Signs
- 17.62.080 Sign Permits
- 17.62.090 Landmark and Abandoned Signs
- 17.62.100 Construction and Maintenance Standards
- 17.62.110 Nonconforming Signs
- 17.62.120 Exceptions
- 17.62.130 Enforcement

[...]

17.62.110 Nonconforming Signs.

- A. The following provision will require that a nonconforming sign be brought into compliance with this chapter: physical modification of a nonconforming sign or any action on a nonconforming sign that requires a building permit. This does not include replacement of a sign face without modification of the frame or general sign maintenance and repair.
- B. All temporary or portable signs not in compliance with the provisions of this code shall be removed or made compliant immediately following adoption of this ordinance.
- C. Amortization. Any freestanding, roof, or animated sign which was lawfully established before January 1, 2009, but which does not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance by no later than December 31, ~~2017~~**2018**, or at the time of occurrence of any of the actions outlined in provision 'A' above.

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